

**HIGHLAND BOARD OF ZONING APPEALS**  
**Minutes of the Meeting of**  
**October 25, 2017**

The Highland Board of Zoning Appeals met on October 25, 2017 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Helms.

**ROLL CALL:** Present Mr. Helms, Mr. Grzynski, Mr. Martini, Mr. Leep and Mrs. Murovic. Also present Attorney Jared Tauber and Building Commissioner Mr. Ken Mika.

**MINUTES:** The minutes of the September 27, 2017 were approved as posted.

**ANNOUNCEMENTS:** The next meeting of the Board of Zoning Appeals to be December 13, 2017 at 6:30 pm. combining November and December Board of Zoning Appeals meetings to one meeting due to the holidays. Mr. Helms motioned to combine the November and December BZA meetings to December 13, 2017. Mr. Martini seconded and the motion unanimously passed with a roll call vote of 5-0.

**Old Business: Approval of Findings of Fact for** John Winarski, 3635 38<sup>th</sup> St., requesting a variance for an additional 288 square feet to an existing 576 sq. ft. garage. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less. Mr. Martini motioned to approve the Findings of Fact. Mr. Grzynski seconded and it unanimously passed with a roll call vote of 5-0.

**Public Hearing for** Jill Palmer, 3348 Jewett Ave., requesting a variance to install a fence beyond build line. {HMC 18.05.060}(G)(5)(a) Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified: (a) In All Yards. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed 12 inches; open terraces or decks not over four feet above the average level of the adjoining ground but not including a permanent roofed-over terrace or porch and not including terraces or decks which project into the required front yard by more than six feet from the front of the principal structure; awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; arbors, trellises and flagpoles; fences, screens, hedges and walls; provided, that in residential districts no fence or wall shall be located in the required front yard and no landscaped screen or hedge shall exceed three feet six inches in height if located in the front yard, and no fence, landscaped screen, hedge or wall shall exceed six feet in height if located in a side or rear yard. On a corner or reverse corner lot, the side yard setback shall be the same as the front yard setback on adjoining lots; fences shall not be installed beyond this point. No fence, screen, hedge or wall shall interfere with line of sight requirements for local streets or intersections. No fence, screen, hedge or wall shall be constructed of material that may be described as rubble, cardboard, chicken wire, trees and brush, corrugated tin, utility poles, railroad ties, barbed wire, broken glass or electrified material. The design, location and construction of a fence or wall shall be approved by the building commissioner prior to the issuance of a building permit.

Ms. Palmer introduced herself. She distributed Google maps of her property with a designation of where she is proposing to install the fence. She is requesting to install the fence (1) to (2) feet off

of her sidewalk on the east side of her property. She states that she decided not to go with a chain link fence and would instead hope to install either a 4 foot tall white vinyl or wood fence.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mrs. Murovic opened up the Public Hearing. Hearing no remonstrances the Public Hearing was closed.

Mr. Martini asked if there was an existing fence on the south and west side of the property and Ms. Palmer responded yes.

Mr. Martini referenced prior fence variances and that sometimes the petitioners had agreed to an angling of their fences as to make for better visibility for auto and pedestrian traffic. Mr. Martini asked if Ms. Palmer would be receptive to installing her fence in that manner by her garage. She was open to that suggestion.

Mrs. Murovic asked if Ms. Palmer had linear footage dimensions for the fence request. Ms. Palmer referenced the fence dimensions were marked on the Google Maps she distributed. The markings on the map for the fence showed the fence from the north side of garage would run east to west 10 ft., then 46 ft. running north to south on the east side of the property and then 9 ft. running east to west on the north side of the property.

Mr. Helms stated if Ms. Palmer were to cut back the fence on the north side of her property by a foot that would make the fence come out about 8 feet from the front of house. He asked if a gate were installed by the front stoop would that be enough room for the gate to swing open. Ms. Palmer thought it might make it difficult to open, but if the gate were to swing out that may work. She states at this point she is desperate for a fence. She's had issues with people coming into her yard to pet her dog, even though a sign is posted to keep away from him. Also, Ms. Palmer has a young child and she is requesting the fence be installed to keep her child safe from running into the street.

Mr. Grzynski asked how tall the fence would be and Ms. Palmer responded 4 feet. She feels with the fence being at that height it would help with the visibility issues.

Mrs. Murovic asked how wide of a gate Ms. Palmer would install. She replied she was not sure what the standard size is, but probable four or five feet.

Mrs. Murovic questioned the gate swinging out towards the sidewalk. Mr. Mika stated that if the gate swung out it could potentially block the public sidewalk.

Ms. Palmer stated that that there is an existing concrete step on her stoop and from the bottom step to the edge of the sidewalk it is five feet. She states that if the gate is taken 2 feet back the remaining space would be 3 feet.

Mrs. Murovic stated that walkway gates are only about 3 feet wide and Mr. Mika agreed yes, they are 36 inches, therefore those measurements should work for the gate.

Mr. Grzynski asked if Ms. Palmer was set on the vinyl fence as there was a prior conversation that Ms. Palmer may want to install a chain link fence. Mr. Grzynski mentioned perhaps a rod iron or decorative fence. He wasn't sure about price comparisons for the other fences. His opinion was that perhaps they would look better, but that was only an opinion.

Ms. Palmer states that if the Board was suggesting rod iron or decorative fencing she would be open to that. She does not believe cost wise there would be much of a difference.

Mr. Mika wanted to clarify what kind of fencing the Board was suggesting and he referenced the fencing at Vyto's Pharmacy on Kennedy Ave. in Highland.

Mr. Leep reinforced why the Board was suggesting alternative fencing because of the location of the property. He feels that the suggested fence would provide more visibility as opposed to a vinyl fence. Again, Ms. Palmer was open to any suggestions.

Mr. Helms motioned to grant the fence variance request with a (2) foot setback from the sidewalk and a "transparent" type fence design. Mr. Grzymiski seconded and it unanimously passed with a roll call vote of 5-0.

**BUSINESS FROM THE FLOOR: None**

**ADJOURNMENT: Motion: Mr. Grzymiski Second: Mr. Martini Time: 6:45**